REMARKS

In accordance with the foregoing, claims 1-4, 10-16, and 16-27 have been amended. Claims 7-9 and 19-21 are cancelled without prejudice or disclaimer.

Claims 1-6, 10-18, and 22-27 are pending and under consideration.

As set forth below, it is submitted that these claims clearly patentably distinguish over the art of record.

BACKGROUND

A Notice of Appeal was filed August 22, 2003. An interview with the Examiner was conducted on September 9, 2003. An agreement was reached that various of the claims be amended to recite a copy guard signal is a signal indicating a copying restriction, and reducing functions deteriorates an image quality.

SPECIFICATION AMENDMENTS

In accordance with the foregoing, the paragraphs of the specification on page 12 are amended to recite that screen information is digitized video information, consistent with page 5, line 24, and to improve form. The paragraph on page 21 is amended to correct a typographical error inadvertently introduced by the March 10, 2003 response.

No new matter is presented and, accordingly entry of the amended specification paragraphs are respectfully requested.

CLAIM AMENDMENTS

Claims 1-3, 12-15, and 26-27 are amended to recite a copy guard signal indicates a copying restriction--. For example, the presence of a copy guard signal, as shown in FIGS. 4 and 9 indicates a copying restriction.

Claims 1, 4, 10, 13, 16, 22, and 25 are amended to recite that "reducing" functions deteriorates image quality. For example, when a copy guard signal is detected, an image processing circuit 61 reduces screen information so as to deteriorate image quality as shown in FIGS. 18-19. (See pages 20-24, starting at line 18).

Claims 1-3, 10-12, and 14 are further amended to improve form and to recite that "screen information" is stored and "picture information" is included in the input video signal. As discussed in the application, screen information is digitized video information and stored in a video memory. (See page 5, lines 25-26). In addition, claims 13, 15, and 22-24 are amended to

improve form.

No new matter is presented in any of the foregoing and, accordingly, approval and entry of the amended claims are respectfully requested.

TRAVERSE OF SUBSTANTIVE REJECTIONS

Applicant respectfully traverses the rejections on the bases of the prior response, and for further reasons set forth in the following.

ITEM 2: REJECTION OF CLAIMS 1-3, 6, 10, 12-16, 18, 22, 24-27 UNDER 35 U.S.C. §102(b) BY OKAMOTO et al. (U.S.P. 5,627,655)

Anticipation (§102) requires that each element or limitation as set forth in a claim be described in a single prior art reference i.e. *In re Robertson*, 49 USPQ 2d 1949 (Fed. Cir. 1999). Okamoto et al. does not adequately support an anticipatory-type rejection by not describing elements recited in the present application's independent claims.

Independent claims 1, 10, 13, 22 and 25 (all as amended) recite reducing screen information to deteriorate an image quality when a copy guard signal, indicating a copying restriction, is detected.

REDUCING TO DETERIORATE IMAGE QUALITY IS NOT DESCRIBED BY OKAMOTO ET AL.

The Examiner contends Okamoto et al. discloses reducing screen information, citing col. 3, lines 5-6 that describe a digital signal "subjected to compression," and argues that "reducing is an inherent feature of compressing."

The Examiner's contention is not supported. Further, the Examiner has not established inherency, since:

> (I)nherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient. *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999).

As understood in the art, reducing, to deteriorate image quality, is not an inherent feature of compression. For example, as described in Adobe's Video Codec Compression Methods:

> Some codecs use lossless compression, which ensures that all of the information in the original clip is preserved after compression. This maintains the full quality of the original, which makes lossless compression useful for final-cut editing or moving clips between systems.

(Adobe at <http://www.adobe.com/support/techguides/premiere/methods/page3.html, 2003>).

RECORDING SCREEN INFORMATION WHEN A COPY GUARD SIGNAL IS DETECTED, INDICATING A COPYING RESTRICTION, IS NOT DESCRIBED BY OKAMOTO ET AL.

Independent claims 1-3, 6, 13, 15, 22, 25, and 27 (all as amended), recite recording screen information when a copy guard signal is detected, indicating a copying restriction.

In item 2, the Examiner cites col. 3, lines 9-22 of Okamoto et al. describing recording a video signal when a control circuit has determined "permissibility of copy," and argues this is the feature of storing screen information when a copy guard signal is detected.

The Examiner is incorrect. In col. 3, lines 9-22, Okamoto et al. does not disclose storing information when a copy guard signal is detected. To the contrary, Okamoto et al. discloses a case when a copy guard signal is not detected. Okamoto et al. (col. 4, starting at line 7) describes a signal of "00" when a copy need not be limited, that is, a condition where there is no copy guard signal.

In fact, Okamoto et al. expressly teaches away from storage when a copy guard signal --i.e., inhibition of copying -- is detected. In Okamoto et al.:

> [W]hen the recording/reproducing control circuit 4 has determined inhibition of copy, it inhibits . . . recording operation per se.

(See, col. 3, lines 23-25).

In the present application, the presence of a copy guard signal, as shown in FIGS. 4 and 9, indicates information is copy-guarded. One problem of conventional apparatus and methods addressed by the present invention is unauthorized reproduction, "in spite of having a copy guard signal." (See page 8, starting at line 1).

PREVENTING A STORING OF SCREEN INFORMATION IS NOT DESCRIBED BY OKAMOTO ET AL.

Claims 14 and 26 recite a preventing a storing of screen information. Okamoto et al., as does not describe prevention of the storing of screen information in the lines cited by the Examiner, or anywhere else. (Action at page 3).

Dependent claim 16 (as amended) recites reducing the screen information stored at the storage device to deteriorate an image quality and outputting a video signal of the reduced screen information. The Examiner contends these features are present in Okamoto et al. FIG. 1 components 11 and 13. (Action at page 4).

Applicant submits that Okamoto et al.'s digital output terminal 11 and analog output terminal 13 do not perform the method of controlling image information including reducing screen information stored at a storage device.

CONCLUSION

Since Okamoto et al. does not describe elements recited in claims 1-3 (all as amended), 6, 10 (as amended), 12-15 (all as amended), 16, 18 (as amended), 22 (as amended) and 24-27 (all as amended), the rejections should be withdrawn and the claims allowed.

ITEMS 3-4: REJECTION OF CLAIMS 4-5, 11, 17 and 23 FOR OBVIOUSNESS UNDER 35 U.S.C. §103(a) OVER OKAMOTO et al. IN VIEW OF KITAZAWA HIROAKI (P.N. 09083920)

ITEM 5: EXAMINER'S RESPONSE TO ARGUMENTS

The Action concedes that Okamoto et al. fails to disclose the features of:

> preventing the video encoding circuit from outputting the video signal in the case where an output of screen information stored in the storage device is ordered, and in the case where the information is protected from copying as specified in the present claims 4-5, 11, 17, and 23.

(Action at page 5).

The Examiner argues that it is obvious to modify Okamoto et al.'s apparatus as shown by Kitazawa Hiroaki to prevent unauthorized viewing of a reproduced video signal as suggested by Kitazawa Hiroaki.

***PRIMA FACIE* OBVIOUSNESS NOT ESTABLISHED**

As provided in MPEP §2143.03 "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F. 2d 1981, (CCPA 1974).

Claims 4 and 5 recite an image processing apparatus including a video encoding circuit encoding screen information and outputting a video signal. Claim 11 recites an image processing apparatus including a storage device recording screen information of picture information. Claims 17 recites a method for controlling image information including as preventing outputting of the video signal, in a case where an output of screen information, stored at a storage device. Claim 23 recites a method for controlling image information including recording digitized screen information.

Kitazawa Hiroaki discloses a picture processor apparatus describing when a copy guard signal is detected printing out "characters to the recording part."

Applicant submits that Kitazawa Hiroaki does not disclose an image processing

apparatus recording screen information, as recited in Applicant's claims 4, 5, and 11 or a method for controlling image information, as recited in Applicant's claims 17 and 23, and is unrelated to the technique of the present invention as claimed therein.

Further, there is no showing of an incentive or motivation to modify Okamoto et al's apparatus for copying contents of a recorded recording medium with Kitazawa Hiroaki's apparatus that processes a picture signal and printing it with a video printer, or for any other reason.

Since *prima facie* obviousness has not been established, the rejection should be withdrawn and claims 4-5, 11, 17, and 23 allowed.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding rejections have been overcome. Applicant respectfully submits that all claims patentably distinguish over the prior art, taken alone or in any proper combination. There being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

Respectfully submitted,

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Date: Sept. 22, 2003

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